

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

GUSTAVO LEAL GUERRA,

Plaintiff,

v.

**CLEANCO MAINTENANCE CORP.,
J.L.D. CLEANING SERVICES, INC.,
ROBERT LEONE, and DEBORAH
LEONE,**

Defendants.

C.A. No. 04-12685-PBS

Second Joint Statement Pursuant to Local Rule 16.1

This case was referred to this Court by Judge Saris upon the consent of the parties to trial by Magistrate Judge. Judge Saris ordered the parties to explore mediation. A mediation has been scheduled for July 27, 2005 as part of the Court's mediation program. The mediator will be Paul Holtzman, Esq. who has experience with wage and hour disputes.

DISCOVERY

The parties have engaged in some discovery. The Plaintiff served document requests, interrogatories, and requests for admissions. The Defendants have responded and objected to some of the requests. The Plaintiff agreed to narrow some of the requests in response to the Defendants' objections but at this time, it is unclear whether Plaintiff will file a motion to compel. In addition to the paper discovery, both parties will need time to take depositions. Plaintiff will need to take the depositions of Robert and Deborah Leone and obtain testimony from them in both their corporate and individual capacity. Plaintiff may need to take up to two

more depositions of third parties depending on what facts remain disputed once those depositions are completed. Neither of these additional depositions would require a full seven hour day. Defendant will take the deposition of the Plaintiff during this time period, and may need to take the deposition of another third party witness.

Because the mediation is scheduled for the end of July, the parties believe the depositions and other remaining discovery should occur in August and early September. The parties propose that discovery be completed by September 20, 2005, including the filing of any motions to compel.

MOTIONS, PRE-TRIAL, AND TRIAL

Non-discovery motions, including summary judgment, motions in limine, or any other pre-trial motions would be filed by September 20, 2005. Because Plaintiff's counsel has a potential two week trial in Washington, D.C. beginning October 5, 2005, the parties propose that trial occur on or after November 1, 2005.

CERTIFICATIONS

The parties have conferred with respect to the issues contained in Local Rule 16.1(D)(3). *See* Certifications Previously Filed with the Court, Docket Entry 14. As a result of those discussions, the parties agreed to the mediation now scheduled for July 27, 2005.

Respectfully Submitted,

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